



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 14-178
February 11, 2014

TRIBAL MOBILITY FUND PHASE I AUCTION 14 BIDDERS QUALIFIED TO PARTICIPATE IN AUCTION 902

AU Docket No. 13-53

1. In this Public Notice, the Wireless Telecommunications Bureau and Wireline Competition Bureau (collectively, the Bureaus) identify 14 applicants found to be qualified to bid in the upcoming Tribal Mobility Fund Phase I auction (Auction 902). Bidding in Auction 902 is scheduled to be held on Tuesday, February 25, 2014.¹ This Public Notice contains bidding instructions and other important information regarding Auction 902. It also addresses the continuing obligations and auction procedures for all Auction 902 applicants, including those that have not qualified to bid.

I. QUALIFIED BIDDERS AND APPLICANTS NOT QUALIFIED TO BID

A. Qualified Bidders

2. Attachment A to this Public Notice lists the name of each of the 14 qualified bidders. Designation of an applicant as qualified to bid in the auction indicates that the applicant has provided the certifications and basic information concerning its qualifications required by the Commission's competitive bidding rules for participation in the auction.²

¹ See Tribal Mobility Fund Phase I Auction Rescheduled for February 25, 2014; Notice of Changes to Auction 902 Schedule Following Resumption of Normal Commission Operations, *Public Notice*, AU Docket No. 13-53, DA 13-2057, 28 FCC Rcd 14656 (2013) (*Auction 902 Revised Schedule Public Notice*); Tribal Mobility Fund Phase I Auction; Status of Short-Form Applications to Participate in Auction 902, *Public Notice*, AU Docket No. 13-53, DA 14-7 (rel. Jan. 6, 2014) (*Auction 902 Status Public Notice*); see also Tribal Mobility Fund Phase I Auction Rescheduled for December 19, 2013; Notice and Filing Requirements and Other Procedures for Auction 902, *Public Notice*, AU Docket No. 13-53, DA 13-1672, 28 FCC Rcd 11628 (2013) (*Auction 902 Procedures Public Notice*).

² Under the Commission's two-phased auction application process, a winning bidder must submit after the close of the auction a long-form application (FCC Form 680), including proof of the applicant's status as an Eligible Telecommunications Carrier (ETC) or as a Tribal entity with a pending petition for designation as an ETC, a description of the spectrum access that the applicant plans to use to meet obligations in areas for which it is the winning bidder for support, a detailed project description, and proof of Tribal notification and engagement; any final designation as an ETC that any Tribally-owned or -controlled applicant may still require; and an irrevocable stand-by letter (or letters) of credit to demonstrate its qualifications for Tribal Mobility Fund Phase I support. See 47 C.F.R. §§ 54.1004(d), 54.1005(b); see also *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11678-87, paras. 177-203. Thus, a determination that a short-form application is complete and complies with the Commission's competitive bidding rules and policies is not determinative of an applicant's qualifications to receive Tribal Mobility Fund Phase I support. In the event that an applicant is found unqualified to be a recipient of Tribal Mobility Fund Phase I support, it will be liable for any obligations incurred as a result of its participation in the auction. See 47 C.F.R. § 1.21004; see also *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11690-92, paras. 211-15.

3. In order to participate effectively in the auction, each qualified bidder should again review the auction rules, procedures, and other information described in the *Auction 902 Procedures Public Notice* and subsequent public notices.³ These public notices and other documents related to Auction 902 are available on the Commission's auctions website at <http://wireless.fcc.gov/auctions/>. This Public Notice provides additional guidance.

B. Applicants Not Qualified to Bid

4. Attachment B to this Public Notice lists each applicant that submitted a short-form application, FCC Form 180, but did not qualify to bid in this auction. All applicants, including those that have been deemed ineligible to bid, remain subject to the Commission's rules prohibiting certain communications in connection with Mobility Fund auctions.⁴

II. REGISTRATION AND BIDDING ACCESS

A. Registration Materials

5. Qualified bidders have been automatically registered for the auction. Registration materials will be sent to the contact person at the contact address identified in the applicant's short-form application. Upon receipt, each qualified bidder should be in possession of the following:

- At least two RSA SecurID® tokens
- FCC Auction System Bidder's Guide
- FCC Auction Bidder Line telephone number

6. Each qualified bidder is solely responsible for ensuring the security of its computer systems and its registration materials and for ensuring that only authorized bidders place bids on its behalf. The Commission assumes no responsibility or liability for these matters.

WARNING: Any unauthorized entity accessing or tampering with an FCC or other government computer system will be prosecuted to the full extent of the law.

7. Any qualified bidder listed in Attachment A of this Public Notice that has not received the registration mailing **by 12:00 noon Eastern Time (ET) on Wednesday, February 19, 2014**, must contact the Auctions Hotline directly at (717) 338-2868. Qualified bidders must have these registration materials to submit bids. Receipt of the registration mailing is critical to participating in both the mock auction and the actual auction, and each qualified bidder must ensure that it has received all registration information.

B. Replacement of Registration Materials

8. In the event a qualified bidder's SecurID® tokens are lost or damaged, only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application may request replacements. Any qualified bidder requiring replacement of these items must call Technical Support at (877) 480-3201, option nine; (202) 414-1250; or (202) 414-1255 (TTY).

³ See generally *Auction 902 Procedures Public Notice*; *Auction 902 Status Public Notice*; *Auction 902 Revised Schedule Public Notice*; see also *Tribal Mobility Fund Phase I Auction*; *Updated List of Eligible Areas*; *Petition for Reconsideration of Auction 902 Procedures Public Notice Granted in Part*, *Public Notice*, AU Docket No. 13-53, DA 13-1986, 28 FCC Rcd 13881 (2013); *Tribal Mobility Fund Phase I Auction*; *Updated List of Eligible Areas for Auction 902*, *Public Notice*, AU Docket No. 13-53, DA 14-109 (rel. Feb. 3, 2014).

⁴ See 47 C.F.R. § 1.21002; see also *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11648-55, paras. 56-80.

C. Bidding Access

9. The Commission will conduct Auction 902 over the Internet. Each qualified bidder can access the FCC Auction System at <http://auctions.fcc.gov> or <http://auctions2.fcc.gov>. Each qualified bidder should review the FCC Auction System Bidder's Guide provided in the registration materials. Please note that Apple® Mac OS® is not currently supported.

10. Bidders will access the FCC Auction System using a web browser. The Bureaus recommend using either Microsoft® Internet Explorer 8.0 or higher, or Mozilla® Firefox® 3.5 or higher. We also recommend Adobe Acrobat Reader 5.0 or higher, and a minimum screen resolution of 1024 x 768.

11. Each authorized bidder must have its own SecurID® token to bid. A qualified bidder with only one authorized bidder will be issued two SecurID® tokens, while a qualified bidder with two or three authorized bidders will be issued three tokens. For security purposes, the SecurID® tokens and the instructions for using them are mailed only to the contact person at the contact address listed on the applicant's short-form application. Please note that each SecurID® token is tailored to a specific auction. SecurID® tokens issued for other auctions or obtained from a source other than the FCC will not work for Auction 902.

12. SecurID® tokens can be recycled. We strongly encourage bidders to return the tokens to the Commission. We will provide pre-addressed envelopes to return the tokens once the auction is closed.

13. Although telephonic bidding will not be available for Auction 902, the Auction Bidder Line will be available during the mock auction and the actual auction for bidder questions. The Auction Bidder Line telephone number will be supplied in the registration materials sent to each qualified bidder.

D. Bidding Contingency Plan

14. Each bidder should develop comprehensive contingency plans that can be quickly implemented in case difficulties arise when participating in the auction. While the Commission will correct any problems within Commission-controlled facilities, each bidder is solely responsible for anticipating and overcoming problems such as bidder computer failures or other technical issues, loss of or problems with data connections, telephone service interruptions, adverse local weather conditions, unavailability of its authorized bidders, or the loss or breach of confidential security codes. As referenced above, qualified bidders will receive the Auction Bidder Line telephone number in their registration materials.

III. AUCTION INFORMATION

A. Auction 902 Bidding Schedule

15. Auction 902 bidding will be held on Tuesday, February 25, 2014, with one round of bidding beginning at 10:00 a.m. and continuing until 5:00 p.m. ET.

B. Mock Auction

16. The Bureaus strongly encourage each qualified bidder to participate in the mock auction that will be conducted on Friday, February 21, 2014, with one round of bidding beginning at 10:00 a.m. and continuing until 4:00 p.m. ET. The mock auction will enable qualified bidders to become familiar with the FCC Auction System and to practice submitting bids. Commission auction staff and technical support staff will be available for questions about the bidding system and auction conduct.

17. A qualified bidder can access the mock auction at <http://auctions.fcc.gov> or <http://auctions2.fcc.gov>. The mock auction will be identified as Mock Auction 74 and will follow the

rules governing the actual auction. Each bidder must have its SecurID® tokens to log in to the FCC Auction System.

18. A bidder should take advantage of the mock auction to practice taking actions it might wish to take during Auction 902, even if the bidder has previously participated in an FCC auction. Results will not be provided after the close of the mock auction.

C. Bidder Questions During the Mock Auction and Auction 902

19. Commission auction staff and technical support staff will be available during the mock auction and the actual auction. Only a person who has been designated as an authorized bidder, the contact person, or the certifying official on the applicant's short-form application should call on behalf of a bidder. When calling, the person should state that he or she is calling on behalf of a bidder with a time-sensitive auction question. To ask questions during the mock auction or actual auction, a bidder must use the FCC Auction Bidder Line telephone number supplied in the registration materials. Otherwise, a bidder should refer to the contact information provided in Section VI, "Contact Information," below.

D. Bidder Suggestions

20. The FCC Auction System includes a function for any bidder to submit suggestions to the Commission, but this is not an appropriate mechanism for asking time-sensitive questions that may need an immediate response, such as questions about auction procedures or other issues. Any time-sensitive questions should be directed to the Auction Bidder Line or to the appropriate staff contact using the telephone number provided in Section VI, "Contact Information," below.

E. Auction Announcements

21. The Commission will post pertinent auction information as announcements in the FCC Auction System. Each bidder should routinely check for announcements and should read this information carefully.

F. Placing Bids

22. All bidders should review the Integrated Spectrum Auction System (ISAS) Bidder's Guide, which is provided in the registration materials and is available in electronic form through the "HELP" link in the FCC Auction System. The Bidder's Guide provides detailed instructions for placing bids during the auction. Each bidder will enter bids by typing in bid amounts for each item it is bidding on, or by uploading a text file containing its bids.

23. The bidding system uses "watchlists" for organizing and displaying items for bidding. A bidder may input a bid amount for any item or items listed in a watchlist. The auction system will provide each bidder a default watchlist called "All Items" that contains all of the items on which the bidder is *potentially* eligible to bid based on information provided in the bidder's short-form application. A bidder may create additional watchlists containing items of its own choosing, and items may appear in multiple watchlists. A bidder may access the FCC Auction System and begin creating its watchlists upon receipt of the SecurID® tokens. Please note that watchlists created in the mock auction will not display in Auction 902.

24. As an alternative, in order to aid bidders placing bids by uploading a text file, the bidding system will provide each bidder access to a sample text file that includes all of the items on which the bidder is *potentially* eligible to bid based on information provided in the bidder's short-form application. For each item, the sample file will include the item name, a dollar sign (\$), and the item description—each separated by a tab. The item names are listed in the "Bidding Areas" file that is available at <http://wireless.fcc.gov/auctions/902/> via the link for "Attachment A File – Bidding Areas." Where the sample file contains a dollar sign, the bidder must include the bid amount. Any additional columns are optional and will be ignored by the bidding system.

25. For either method of bidding, the bid amount must be expressed in a per-pop price (whole dollar amount only) to cover the population in the eligible census blocks of the bidding area. The bidder may review submitted bids, and make any desired changes, before the single round of bidding ends. Bids and bid amounts cannot be altered after the auction ends.

26. Bidders are reminded that the inclusion of an item in the default watchlist or in the sample text file is not a determination of eligibility under the Commission's rules. The identification of an area as one in which the bidder is *potentially* eligible to bid does not mean that the applicant is *actually* eligible to bid for support in that area. Some of the items may be outside of the areas for which a bidder is actually eligible to bid pursuant to the Commission's rules—for example, some of the items may be outside of the areas in which the bidder is designated as an ETC or, in the case of a Tribally-owned or -controlled entity, the areas in its Tribal lands for which it has a pending petition for designation as an ETC.

27. Each bidder is cautioned to review its bids carefully because winning bids confer certain obligations. Any winning bidder that fails to meet these obligations will be subject to a default payment.⁵ If a bidder wins support for an area in which it is not eligible for support, it will default and be subject to a default payment.

G. Bidding Data and Auction Results

28. Each bidder will have access to information about its own bidding during the auction but will not have information about other bidders' actions. Auction 902 will be conducted using procedures under which the Bureaus will withhold, until after the close of bidding and announcement of auction results, the public release of any information that may indicate specific applicants' interests in the auction—including, among other things, information from applicants' short-form applications regarding their interests in bidding areas in particular Tribal lands—and the identities of bidders placing bids or taking other bidding-related actions.⁶ Once the Bureaus announce the auction results, all of the bidding data, including bidder identities, will be made public. Instructions for reviewing and downloading results are provided in the FCC Auction System Bidder's Guide.

IV. APPLICANTS' CONTINUING OBLIGATIONS

A. Prohibited Communications

29. The Bureaus remind applicants that section 1.21002 of the Commission's rules prohibits an applicant in a Mobility Fund auction from cooperating or collaborating with any other applicant with respect to its own, or one another's, or any other competing applicant's bids or bidding strategies, and from communicating with any other applicant in any manner the substance of its own, or one another's, or any other competing applicant's bids or bidding strategies, until after the post-auction deadline for winning bidders to submit applications for support, unless such applicants are members of a joint bidding arrangement identified on the short-form application(s) pursuant to sections 1.21001(b)(3) and (b)(4).⁷

30. This prohibition took effect as of the short-form application filing deadline, which for Auction 902 was December 5, 2013, at 6:00 p.m. ET, and extends until the long-form application deadline, which will be announced in a public notice released shortly following close of bidding.⁸ **The**

⁵ 47 C.F.R. §§ 1.21004, 54.1006(f); *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11690-93, paras. 211-19.

⁶ *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11675, para. 163.

⁷ 47 C.F.R. §§ 1.21001(b)(3)-(4), 1.21002.

⁸ 47 C.F.R. § 1.21002(b). The Commission's rules provide that, unless otherwise provided by public notice, winning bidders for Tribal Mobility Fund Phase I support must file an application for Tribal Mobility Fund Phase I

prohibition applies to each applicant regardless of whether such applicant has been listed as a qualified bidder or actually bids.⁹ For further information on the prohibition, applicants should refer to the *Auction 902 Procedures Public Notice*.¹⁰

B. Maintenance of Limited Information Disclosure Procedures

31. We remind applicants that, under the limited information disclosure procedures in effect for Auction 902, the Commission is withholding from public release, until after the close of bidding and announcement of auction results, any information that may indicate specific applicants' interests in the auction.¹¹ Accordingly, communication with other applicants or public disclosure of such non-public information may violate the Commission's limited information disclosure procedures and the rule prohibiting certain communications, section 1.21002 of the Commission's rules.¹²

32. Thus, applicants should refrain from communicating their specific interests in the auction not only to other applicants, but also to the public, financial analysts, or the press.¹³ Examples of communications raising concern, given the limited information disclosure procedures in effect for Auction 902, would include an applicant's statement to the press that it is or is not interested in bidding in the auction.

support (FCC Form 680, the long-form application) no later than 10 business days after the release of the public notice identifying them as winning bidders. 47 C.F.R. § 54.1005(b)(1). As we noted in the *Auction 902 Procedures Public Notice*, Auction 901 winning bidders initially had 21 business days to file long-form applications (which was later extended to 23 business days in the aftermath of Hurricane Sandy), and we anticipate that we will provide at least a similar time period before the long-form application deadline for Auction 902. *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11677-78, paras. 174-75 & nn.287-88.

⁹ For example, the Enforcement Bureau imposed a forfeiture in the amount of \$100,000 for violation of the rule prohibiting certain communications in spectrum license auctions, 47 C.F.R. § 1.2105(c), even though the applicant was not listed as a qualified bidder. Northeast Communications of Wisconsin, Inc., *Forfeiture Order*, DA 04-3027, 19 FCC Rcd 18635 (Enf. Bur. 2004). The Commission subsequently reduced the amount of the forfeiture to \$75,000 due to the parties' history of compliance with Commission rules. Star Wireless, LLC and Northeast Communications of Wisconsin, Inc., *Order on Review*, FCC 07-80, 22 FCC Rcd 8943 (2007), *petition for review denied*, *Star Wireless, LLC v. FCC*, 522 F.3d 469 (D.C. Cir. 2008); see *United States v. Northeast Communications of Wis., Inc.*, 608 F. Supp. 2d 1049 (E.D. Wis. 2008) (entering \$75,000 judgment in favor of the United States to enforce the forfeiture). See also Letter to Robert Pettit from Margaret W. Wiener, Chief, Auctions and Industry Analysis Division, DA 00-2905, 16 FCC Rcd 10080 (2000) (declining to exempt an applicant's controlling interest from coverage by section 1.2105(c), even though the applicant was not listed as a qualified bidder).

¹⁰ *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11648-55, paras. 56-80.

¹¹ *Id.* at 11675, para. 163.

¹² 47 C.F.R. § 1.21002; see also *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11675, para. 163; *Auction 902 Status Public Notice*, DA 14-7, at paras. 15-16.

¹³ The Commission has long expressed the concern that applicants should use caution in their dealings with other parties, such as members of the press, financial analysts, or others who might become a conduit for the communication of non-public information relating to auctions, such as bids and bidding strategies. Cf. Wireless Telecommunications Bureau Responds to Questions About the Local Multipoint Distribution Service Auction, *Public Notice*, DA 98-37, 13 FCC Rcd 341, 347-48 (1998) ("Public statements can give rise to collusion concerns. This has occurred in the antitrust context, where certain public statements can support other evidence which tends to indicate the existence of a conspiracy.").

C. Disclosure Obligations and Possible Sanctions

33. Sections 1.65 and 1.21002(c) of the Commission's rules require each auction applicant to maintain the accuracy and completeness of information furnished in its pending application.¹⁴ In addition, section 1.21002(c) requires each auction applicant that makes or receives a communication that appears to violate section 1.21002 to report such communication in writing to the Commission staff immediately, and in no case later than five business days after the communication occurs.¹⁵ Each applicant's obligation to report any such communication continues beyond the five-day period after the communication is made, even if the report is not made within the five day period.¹⁶

34. In addition, section 1.65 of the Commission's rules requires an applicant to report to the Commission any communication of a bid or bidding strategy that results in an arrangement, agreement, or understanding relating to participation in the competitive bidding after the short-form application filing deadline.¹⁷

35. Any party reporting a communication pursuant to sections 1.65 or 1.21002(c) must take care to ensure that any such report does not itself give rise to a violation of section 1.21002. Applicants should take care not to make such reports through the use of Commission filing procedures that would allow such materials to be made available for public inspection and thereby communicate prohibited information to other applicants.¹⁸ Auction 902 applicants are required to file any report required by 1.21002(c) by email to auCTION902@fcc.gov, or to the following address: Margaret W. Wiener, Chief, Auctions and Spectrum Access Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Room 6423, Washington, DC 20554.¹⁹ Any such report should include a cover sheet to avoid the inadvertent dissemination of information contained in the report.

36. A party seeking to report such a prohibited communication should consider submitting its report with a request that the report or portions of the submission be withheld from public inspection.²⁰ Any such party is also encouraged to consult with the Auctions and Spectrum Access Division staff about the procedures for submitting such a report.²¹ The *Auction 902 Procedures Public Notice* provides additional guidance on procedures for submitting application-related information.²²

¹⁴ 47 C.F.R. §§ 1.65, 1.21002(c); *see also Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11667, para. 128.

¹⁵ 47 C.F.R. § 1.21002(c); *see also Auction 902 Procedures Public Notice*, 28 FCC Rcd 11652, paras. 71-73.

¹⁶ 47 C.F.R. § 1.21002(c).

¹⁷ 47 C.F.R. § 1.65; *see Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11652, para. 72; *see also* Amendment of Part 1 of the Commission's Rules – Competitive Bidding Procedures, *Seventh Report and Order*, WT Docket No. 97-82, FCC 01-270, 16 FCC Rcd 17546, 17550-51, para. 9 (2001).

¹⁸ *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11653, paras. 74-76.

¹⁹ *Id.*

²⁰ *See* 47 C.F.R. § 0.459 (specifying the procedures for requesting that materials or information submitted to the Commission be withheld from public inspection). If an applicant requests confidential treatment of a document, the cover page of the filing must prominently display that the applicant is seeking confidential treatment for that document. For example, a filing might include a cover page stamped with "Request for Confidential Treatment Attached" or "Not for Public Inspection." Any such request must cover all of the material to which the request applies. *See* 47 C.F.R. § 0.459(a).

²¹ *See* Section VI, "Contact Information," below.

²² *See Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11666-67, paras. 122-28.

37. Each applicant that is a winning bidder will be required to disclose in its long-form application the specific terms, conditions, and parties involved in all bidding consortia, joint ventures, partnerships, or other agreements or arrangements entered into relating to the competitive bidding process.²³

38. Any applicant found to have violated section 1.21002 of the Commission's rules may be subject to sanctions.²⁴ In addition, we remind applicants that they are subject to the antitrust laws, which are designed to prevent anti-competitive behavior in the marketplace. If an applicant is found to have violated the antitrust laws or the Commission's rules in connection with its participation in the competitive bidding process, it may be subject to forfeiture and may be prohibited from participating in future auctions.²⁵

D. Submission of Auction-Related Filings

39. An applicant seeking to amend its short-form application during the auction must make modifications electronically and submit a letter briefly summarizing the changes by email to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: auction902@fcc.gov. The email summarizing the changes must include a subject or caption referring to Auction 902 and the name of the applicant.

40. A party wishing to submit a request, complaint, or other information concerning Auction 902 should, in addition to following other procedures prescribed by the Commission's rules, send a copy by email to the attention of Margaret Wiener, Chief, Auctions and Spectrum Access Division, at the following address: auction902@fcc.gov. The Commission occasionally receives complaints regarding specific bidders and requests to suspend bidding during an auction. While the Commission reserves the right to take appropriate action during an auction to preserve the integrity of the auction process, it is generally our practice to address any such allegations only after a winning bidder has submitted its long-form application, when there is greater opportunity for investigation of such allegations, if warranted. The Commission will not investigate any complaints or allegations that are not accompanied by full contact information, including name, address, and telephone number, for the complaining party or parties.

41. Finally, parties wishing to make suggestions concerning Auction 902 or future auctions should present such ideas using the suggestion feature of the FCC Auction System. (As mentioned above, this feature is not an appropriate mechanism for posing time-sensitive questions that need an immediate response.) Commission staff considers all suggestions, but may not always provide an individualized response.

E. Duty to Maintain Accurate Information in Short-Form Applications (FCC Form 180)

42. Each applicant must maintain the accuracy and completeness of information furnished in its short-form application, including any attachments.²⁶ Each applicant should therefore amend its short-

²³ See *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11653-54, para. 77; see also 47 C.F.R. § 54.1005(b)(2)(xi) (indicating that applicants for Mobility Fund Phase I support will need to provide such additional information as the Commission may require).

²⁴ See 47 C.F.R. §§ 1.21002, 1.21004, 54.1007(c); *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11654-55, para. 80.

²⁵ See *id.*

²⁶ See 47 C.F.R. §§ 1.65, 1.21002(c); *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11667, para. 128. For more information on making administrative changes to an existing application, see "Minor Modifications to Short-Form Applications" in the *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11666-67, paras. 122-27.

form application to furnish additional or corrected information within five days of a significant occurrence, or no more than five days after the applicant becomes aware of the need for amendment.

43. An applicant seeking to provide additional or updated information must modify its short-form application electronically and submit a letter briefly summarizing the change by email to auction902@fcc.gov. The email summarizing the change must include a subject or caption referring to Auction 902 and the name of the applicant. The Bureaus request that parties format any attachments to email as Adobe® Acrobat® (pdf) or Microsoft® Word documents. An applicant must not submit application-specific material through the Commission's Electronic Comment Filing System (ECFS). Questions about changes should be directed to the Auctions and Spectrum Access Division at (202) 418-0660.

44. As described in the Commission's rules, an applicant may make only minor corrections to its short-form application (e.g., deletion and addition of authorized bidders or changes to contact information).²⁷ A major modification (e.g., change in control of the applicant or change of the certifying official) will not be accepted.²⁸ Each applicant must clearly state the nature of the change in an amendment to its short-form application and in the summary letter referenced above.

45. When amending short-form applications, applicants must avoid any statements or disclosures that may violate section 1.21002 of the Commission's rules, particularly in light of the limited information disclosure procedures in place for Auction 902.²⁹ Parties submitting information related to their applications should use caution to ensure that their submissions do not contain confidential information or communicate information that would violate section 1.21002 or the limited information procedures adopted for Auction 902. Therefore, a party seeking to submit information that might reflect non-public information should consider submitting any such information along with a request that the filing or portions of the filing be withheld from public inspection until the end of the prohibition of certain communications pursuant to section 1.21002.

F. *Ex Parte* Rule

46. Applicants should also be aware that the Commission has generally treated short-form applications to participate in an auction as exempt proceedings and, therefore, not subject to the *ex parte* prohibitions that pertain to restricted proceedings.³⁰

G. *Due Diligence*

47. Potential bidders are solely responsible for investigating and evaluating all technical and marketplace factors that may have a bearing on the level of Tribal Mobility Fund Phase I support submitted as a bid in Auction 902. We strongly encourage potential bidders to conduct their own research in order to determine the existence of pending administrative or judicial proceedings, including pending rulemaking proceedings, that might affect their decisions regarding participation in the auction. Additionally, a potential bidder is responsible for ensuring that, if it wins support, it will be able to build and operate facilities that fully comply with all technical and legal requirements. For further details regarding due diligence, please refer to the *Auction 902 Procedures Public Notice* under Section II.C.3.³¹

²⁷ See 47 C.F.R. § 1.21001(d)(4)-(5).

²⁸ *Id.*

²⁹ See *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11667, para. 127.

³⁰ See Commission Announces that Mutually Exclusive "Short Form" Applications (Form 175) to Participate in Competitive Bidding Process ("Auctions") are Treated as Exempt for Ex Parte Purposes, *Public Notice*, FCC 94-283, 9 FCC Rcd 6760 (1994).

³¹ See *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11655-56, paras. 81-87.

V. POST-AUCTION PROCEDURES

48. Shortly after bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bidders, and establishing the deadline for filing the long-form application.³² Winning bidders will use FCC Form 680 and the FCC Auction System to submit the long-form application.³³ Further filing instructions will be provided to auction winners at the close of the auction.

³² For more details on these procedures, see *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11677-87, paras. 174-203.

³³ See 47 C.F.R. § 54.1005(b); *Auction 902 Procedures Public Notice*, 28 FCC Rcd at 11677, para. 174.

VI. CONTACT INFORMATION

49. For further information concerning Auction 902, please contact:

General Auction Information

General Auction Questions
Auction Process and Procedures

FCC Auctions Hotline

(888) 225-5322, option two; or
(717) 338-2868

Auction 902 Legal Information

Auction Rules, Policies, Regulations, including
Reports of section 1.21002 Violations and
Application Modifications

Wireless Telecommunications Bureau Auctions and Spectrum Access Division

(202) 418-0660
Patricia Robbins

General Universal Service Questions

Wireline Competition Bureau

(202) 418-7400
Alex Minard

Technical Support

Electronic Filing
FCC Auction System (Hardware/Software
Issues)

FCC Auctions Technical Support Hotline

(877) 480-3201, option nine; or (202) 414-1250
(202) 414-1255 (TTY)
Hours of service: 8:00 a.m. – 6:00 p.m. ET,
Monday through Friday

Tribal Issues

Additional information regarding Tribal lands
and Tribal governments

Office of Native Affairs and Policy

(202) 418-2930
native@fcc.gov

50. To request materials in accessible formats (Braille, large print, electronic files, audio format) for people with disabilities, send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 or (202) 418-0432 (TTY).

- FCC -